

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF B'NAI B'RITH SENIOR CITIZENS HOUSING CORPORATION FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 652 OF THE ACTS OF 1960 TO BE UNDERTAKEN AND CARRIED OUT BY A CHARITABLE CORPORATION ORGANIZED PURSUANT TO M.G.L., C.180, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT CHARITABLE CORPORATION UNDER SAID CHAPTER 121A.

A. Hearing. A public hearing was held at 2:00 p.m. on March 6, 1980 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated October 23, 1979, (hereinafter called the "Application"), filed by B'nai B'rith Senior Citizens Housing Corporation for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on February 25, 1980, and March 3, 1980 in the Boston Herald American, a daily newspaper of general circulation published in Boston and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, James G. Colbert, Joseph J. Walsh, James K. Flaherty, and James E. Cofield, Jr., members of the Authority, were present at the hearing.

B. The Project. The Project Area consists of three parcels of land in the Brighton district of the City of Boston, bounded by Egremont Road and Washington Street. A full metes and bounds description can be found in Exhibit A to the Application. The Applicant intends to begin work on the Project promptly upon the Authority's approval. The Applicant expects that the work will take eighteen months.

The Project for which the Authority's authorization and approval is sought consists of the construction of a new, 9 story residential building with 150 apartments for the elderly. There will be 143 one bedroom apartments and 7 with two bedrooms.

The existing structure will be razed and removed, as it is not feasible to rehabilitate it. The new building will not exceed the height of the abutting properties. It will occupy approximately 1/3 less of the open land area than the existing industrial building. The remainder of the land will be an open, paved, landscaped parking area on Egremont Road, and three open landscaped areas, surrounded by shrubs, that can be used for relaxing and sunning. The entrance to the parking lot will be from Egremont Road, by means of a landscaped driveway. The parking lots will contain thirty-eight parking spaces.

There will be a number of amenities to the building. On the first floor, there will be a music/library area, a dining room, beauty and barber shops and a social services office. The medical, management offices and community area will also be on the first floor. Each apartment will include a modern kitchen, complete with freezer/refrigerator, oven/burner range, exhaust, stainless steel sink with

with garbage disposal and plastic laminate faced counters and cabinets. The bath rooms will be equipped with elderly hardware and each apartment will have air conditioning, special hardware and emergency hardware or emergency alarm provisions. The core area of the building will have a 9 story open atrium surrounded by balconies with planters and live planting.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing and subsequent thereto.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition and construction in a blighted, substandard and decadent area of a decent, safe, and sanitary housing for the elderly and handicapped.

There is one existing building on the Project Site, an abandoned two-story industrial-manufacturing building, and an adjacent parking lot in a predominantly multi-residential neighborhood. The building was last occupied several years ago. It has since become a neighborhood dumping ground and an attractive target for vandals. The paved and parking areas are eroded and overgrown with weeds. Rehabilitation or reconstruction of the building is not economically feasible.

Larkin, Glassman & Prager Associates, the Project architects have conducted an on-site investigation of the building and have concluded that the building does not comply with the present State Building and Life Safety Codes. As further evidence of the deteriorated and substandard condition of the Project Area, the Applicant is submitting the report of Larkin, Glassman & Prager Associates dated September 24, 1979 and photographs of the Project Area found in Appendix 4 to the Application.

The Site would not be developed without the real estate taxes being limited to a percentage of the project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under G.L. Chapter 121A Section 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project Area is a blighted open, decadent and substandard area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There will be paid to the City of Boston a percentage payment in lieu of real

estate taxes, in each of the forty (40) calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The Project is being financed under Section 202 of the Housing Act of 1959 as amended.

The Applicant estimates that the Project will cost \$6,764,500 as follows:

Site acquisition	\$ 497,500
Development costs	\$6,267,000

The estimated rental revenue from the Project is \$931,243 per year, as shown on the pro forma operating statement attached to the Application as Exhibit B.

The estimated annual operating expenses (other than real estate taxes) are \$249,150 also as shown on Exhibit B. The net available for real estate taxes or payments in lieu of taxes is \$111,750. Real estate taxes under present assessment practices and tax rates would be far in excess of what will be available. Also real estate taxes are subject to fluctuation on account of changes in tax laws and assessment practice, thereby exposing the Project owner to risks of tax increases of unforeseeable amounts. It is therefore, not infeasible for private enterprise to undertake the Project.

The only persons natural or corporate, who prior to completion of the project, have or will have, directly or indirectly any beneficial interest in the project are as follows:

B'nai B'rith Senior Citizens Housing Corp.
Franklin W. Simon
Lazarus Ogur
Isador Wassaman
Jack Aifes
Alan B. Larkin
James Sandberg
Sidney Rosenthal

United States Department of Housing and Urban
Development

Experience with similar financing and organization methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans of the structure to be rehabilitated and constructed on the Project Site have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the Area and will furnish attractive and necessary landscaping and provide much needed handicapped and elderly housing in the Brighton Allston neighborhood. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that:

1. The Project will not adversely affect any open space or recreation area or any aesthetic values in the surrounding area.
2. The Project will not adversely affect any archaeological or historical site, structure, or feature.
3. The Project will not adversely affect any significant natural or man made feature or place but is determined to be compatible with the surrounding environment.
4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.
5. The Project will not alter or adversely affect any flood hazard area, inland or costal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.
7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.

8. The Project will not result in any significant increase in consumption of energy or generation of solid waste.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not adversely affect sensitive receptors.
11. The Proejct will not adversely affect any area of important scenic value.
12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
13. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.

In order to avoid or minimize any damage to the environment the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulation for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity.

I. Minimum Standards. The minimum standards for financing, construction, maintenance and improvement of the Project as set forth in the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in the Application, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C, and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose. Further, the supporting documentation relative to a seven member tenant selection committee presented to the Authority dated March 28, 1980 is hereby incorporated by reference as Appendix 16 to the Application and shall be carried out substantially in the form so referenced.

The carrying out of the Project will not require the grant of a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and zoning Laws, G.L. c.138.

J. Zoning Code Deviations. Appendix 10 to the Application lists the zoning code deviations requested. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority finds that the deviations attached hereto and incorporated by reference as Exhibit A are necessary for the carrying out of the total

project and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations respectively.

K. Duration of Period of Tax Exemption. The Applicant requests an extension of twenty five (25) years to the base term of fifteen (15) calendar years for the Project's period of tax exemption pursuant to applicable provisions of Chapter 121A.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above.

EXHIBIT A

The following are the sections of the Boston Zoning Code from which permission to deviate is sought by the Applicants:

1. Section 14-2, Lot Area per Dwelling Unit and Section 13-1,

Table B, Dimensional Requirements

Required: 5,000 square feet minimum lot size, 1,000 square feet each additional unit, or 154,000 square feet.

Proposed: 150 units in zones H-1 and L-1, 59,151 square feet in total (39,000 square feet in H-1 and 20,151 square feet in L-1). Requested that Lot Area per additional Dwelling unit be reduced to 350 square feet all as more fully shown on the attached site plan of Larkin, Glassman and Prager, Architects, dated November 26, 1979 (hereinafter the "Plan").

Calculations based on both zones:

H-1 Zone: $\frac{39,000}{69}$ approximate square feet dwelling units

$\frac{34,000}{68}$ sq. ft. dwelling units = 500 sq. ft. for each additional dwelling unit.

L-1 Zone: $\frac{20,000}{81}$ sq. ft. dwelling units = 240 sq. ft. for each additional dwelling unit.

2. Section 15-1 Floor Area Ratio, Section 13-1, Table B, Dimensional Requirements

Required
FAR: 1

Proposed
FAR: $\frac{137,588}{59,151}$ approximate total sq. ft. building approximate total sq. ft. land = 2.4

Calculations based on both zones:

H-1 Zone: $\frac{51,460}{39,000}$ approximate sq. ft. building in H-1 zone approximate sq. ft. land in H-1 zone = 1.4

L-1 Zone: $\frac{92,870}{20,000}$ approximate sq. ft. building in L-1 zone approximate sq. ft. land in L-1 zone = 4.7

3. Section 16-1, Maximum Height of Building, Section 13-1,

Table B, Dimensional Requirements

Required Maximum Height of Buildings:

H-1 no requirement

L-1 3 stories - 35 feet

Proposed: 9 stories approximately 86 feet.

4. Section 17-1, Minimum Usable Open Space, Section 13-1,

Table B, Dimensional Requirements

Required Usable Open Space: 400 sq. ft. per dwelling unit.

Proposed Minimum Usable Open Space:

$$\frac{19,600 \text{ approximate total usable open space}}{150 \text{ units}} = 125 \text{ sq. ft. usable open space per dwelling unit.}$$

Calculations based on both zones:

H-1 Zone: $\frac{9,300}{69}$ approximate = 130 sq. ft. usable open space per dwelling unit.

L-1 Zone: $\frac{10,300}{81}$ approximate = 120 sq. ft. usable open space per dwelling unit.

5. Section 18-2, Conformity with Existing Building Alignment

Predominant Modal Front Yard: approximately 40 feet

Proposed Front Yard: 20 feet

6. Section 19, Side Yards, Section 13-1, Table B, Dimensional

Requirements

Required: 10 ft. plus the length of the building wall parallel to the lot line divided by 20.

$$10 \text{ ft. plus } \frac{167}{20} \text{ length of wall} = 18.4$$

Proposed: requested the minimum side yard be reduced to less than two feet all as more fully shown on the attached plan.

Section 19-6(b), Special Provisions for corner Lots.

(Egremont Road side yard)

Required: In an H district, one-half of the Front yard depth required for the lot (one-half of 40 feet) = 20 feet.

Proposed: Side yard for Egremont Road side: 15 feet

7. Section 21-1, Setback Requirement, Section 13-1, Table B,

Dimensional Requirements

Required: Height above which no setback is required plus the length of the building wall parallel to the lot line, divided by six

On the Egremont Road side:

Required: $\frac{61+165}{6} - 20(\frac{1}{2} \text{ of the width of Egremont Road}) = 18 \text{ feet}$

Proposed: 15 feet

On the opposite side:

Required: $\frac{46+95}{6} = 24 \text{ feet}$

Proposed: Less than 2 feet

MEMORANDUM

MAY 22, 1980

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A
APPLICATION OF B'NAI B'RITH SENIOR CITIZENS
HOUSING CORPORATION

On March 6, 1980, the Authority held a public hearing to consider the above-captioned 121A Application.

The Project consists of the construction of 150 units of housing for the elderly on a parcel of land located on the northwest corner of Egremont Road and Washington Street in the Brighton section of Boston.

The Staff has examined the Application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate Vote Follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on The Application of B'nai B'rith Senior Citizens Housing Corporation for the Authorization and Approval of a Project Under Massachusetts General Laws (Ter.Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Charitable Corporation Organized Pursuant to M.G.L., c.180 and Approval to Act as an Urban Redevelopment Corporation Under said Chapter 121A" be and hereby is approved and adopted.

